

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIE WEAVER

Plaintiff,

No. CIV S-05-0449 FCD CMK

vs.

NOVENCIDO, et al.,

Defendants.

ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with an action filed pursuant to 42 U.S.C. § 1983. By order filed April 27, 2005, plaintiff's complaint was dismissed with leave to file an amended complaint. Plaintiff has now filed an amended complaint.

The amended complaint states a cognizable claim for relief pursuant to 42 U.S.C. § 1983 and 28 U.S.C. § 1915A(b). If the allegations of the amended complaint are proven, plaintiff has a reasonable opportunity to prevail on the merits of this action.

In accordance with the above, IT IS HEREBY ORDERED that:

1. Service is appropriate for the following defendants: Novencido, R. Gile, William Merkle, and James Gomez.

2. The Clerk of the Court shall send plaintiff four USM-285 forms, one

1 summons, an instruction sheet and a copy of the amended complaint filed July 18, 2005.

2 3. Within thirty days from the date of this order, plaintiff shall complete the  
3 attached Notice of Submission of Documents and submit the following documents to the court:

4 a. The completed Notice of Submission of Documents;


5 b. One completed summons;

6 c. One completed USM-285 form for each defendant listed in number 1  
7 above; and

8 d. Five copies of the endorsed amended complaint filed July 18, 2005.

9 4. Plaintiff need not attempt service on defendants and need not request waiver of  
10 service. Upon receipt of the above-described documents, the court will direct the United States  
11 Marshal to serve the above-named defendants pursuant to Federal Rule of Civil Procedure 4  
12 without payment of costs.

13  
14 DATED: September 6, 2005.

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17 **CRAIG M. KELLISON**  
18 UNITED STATES MAGISTRATE JUDGE  
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Defendants.

NOTICE OF SUBMISSION  
OF DOCUMENTS

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Plaintiff hereby submits the following documents in compliance with the court's  
order filed \_\_\_\_\_:

\_\_\_\_\_ completed summons form

\_\_\_\_\_ completed USM-285 forms

\_\_\_\_\_ copies of the \_\_\_\_\_  
Amended Complaint

DATED:

\_\_\_\_\_  
Plaintiff